

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 187-218, 220 and 221 are currently pending in this application, and the Examiner's indication that Claim 207 contains patentable subject matter is noted with appreciation. By the foregoing amendment, Claims 187 and 203 have been revised. Accordingly, Claims 187-218, 220 and 221 remain in this application for consideration and allowance.

In his March 23, 2005 Office Action the Examiner made the following substantive claim rejections which are respectfully traversed for reasons subsequently set forth herein:

1. Claims 187-189, 192-194, 200-202, 206, 208, 209, 211, 216, 220 and 221 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 5,799,733 to Ringgenberg et al;
2. Claims 187-189, 201,206, 220 and 221 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,368,100 to Lewandowski et al;
3. Claims 187, 199 and 203-205 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 1,896,492 to Macgready;
4. Claims 187, 200, 206,208, 214-218, 220 and 221 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 3,152,639 to Percy;
5. Claims 190 and 191 stand rejected under 35 USC §103(a) as being unpatentable over Percy '639 in view of U.S. Patent 6,173,772 to Vaynshteyn; and
6. Claims 192-198, 202, 209-211 and 213 stand rejected under 35 USC §103(a) as being unpatentable over Percy '639 in view of U.S. Patent 4,573,532 to Blake.

Each of applicants' amended Claims 187 and 203 now specifies that the recited fluid separation device which, during reciprocation thereof within its associated chamber, is sealingly engaged with the chamber. The Examiner analogizes applicants' claimed fluid separation device with the check valve 318 in Ringgenberg et al, the check valve 108 in Lewandowski, the check valve 30 in Macgready, and the check valve 17 in Percy.

However, none of these check valves seals while it reciprocates. As is well known in the fluid flow art, a check valve is intended to permit fluid flow therethrough when its ball or poppet is moved away from its seat. Accordingly, none of the Ringgenberg et al, Lewandowski, Macgready and Percy references discloses a fluid separation device which, during reciprocation thereof within its associated chamber, is sealingly engaged with the chamber. It is thus respectfully submitted that:

1. Neither independent Claim 187 or any of its dependent Claims 188, 189, 192-194, 200-202, 206, 208, 209, 211, 216, 220 and 221 is anticipated by the Ringgenberg et al reference;
2. Neither independent Claim 187 or any of its dependent Claims 188, 189, 201, 206, 220 and 221 is anticipated by the Lewandowski reference;
3. Neither independent Claim 187 or its dependent Claim 199, or independent Claim 203 or its dependent Claims 204 and 205 is anticipated by the Macgready reference;
4. Neither independent Claim 187 or its dependent Claims 200, 206, 208, 214-216, 220 and 221 is anticipated by the Percy reference.

As to Claims 190 and 191, which depend from Claim 187, the Vaynshteyn reference does not cure the above-discussed deficiency in Percy, having been cited by the Examiner solely for its alleged teachings with respect to perforating guns. It is thus respectfully submitted that neither of applicants' Claims 190 and 191 is rendered obvious by the Percy/Vaynshteyn reference combination being proposed by the Examiner.

With respect to Claims 192-198, 202, 209-211 and 213, which also depend from Claim 187, the Blake reference does not cure the above-discussed deficiency in Percy, having been cited by the Examiner solely for its alleged teachings with respect to the use of fluid property sensors. It is thus respectfully submitted that none of applicants' Claims 192-198, 202, 209-211 and 213 is rendered obvious by the Percy/Blake reference combination being proposed by the Examiner.

It is noted that dependent Claim 212 has been indicated as being rejected, but no ground has been noted by the Examiner for such rejection. However, in view of the fact that Claim 212 depends from Claim 187, for the reasons set forth above it is respectfully submitted that dependent Claim 212 is allowable over all of the art currently being applied by the Examiner.

Independent Claim 217 and its dependent Claim 218 recite that formation fluid flows from one zone into one of the chamber portions, and pressure applied to the other chamber portion induces the formation fluid to flow from the first chamber portion into the other zone. Percy simply does not describe this claimed feature of the present applicant's invention.

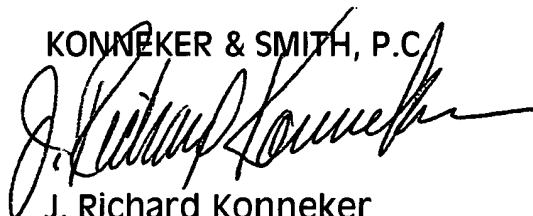
The Examiner alleges that a circulating valve 11 of Percy allows this flow from the first chamber portion into the second zone, but this is incorrect. It is thus respectfully submitted that neither of applicants' claims 217 and 218 is anticipated by the Percy reference.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 187-218, 220 and 221 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

KONNEKER & SMITH, P.C.



J. Richard Konneker
Attorney for Applicants
Registration No. 28,867

Dated: May 19, 2005

660 N. Central Expwy., #230
Plano, Texas 75074
972/516-0030

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on MAY 19, 2005

Shenad Jufko